

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N.C.

REGULAR MEETING:

16 AUGUST 2005

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers T. Dianne Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, and Donald R. Vaughan. Absent: Thomas M. Phillips. Also present were Mitchell Johnson, Interim City Manager; Linda Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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Interim City Manager Johnson recognized Sonal Gosak, employee with the Libraries Department, who served as courier for the meeting.

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Mayor Holliday outlined the procedure for conduct of the meeting.

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Councilmember Gatten moved that Councilmember Phillips be excused from attendance at the meeting. The motion was seconded by Councilmember Johnson and adopted 7-1, with Councilmember Perkins voting in opposition.

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The Mayor invited speakers from the floor to address Council.

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Mike Simmons, residing at 3100 Owl's Roost Road, invited Council and citizens to attend the October commemoration of the sculpture, *Greensboro's Bravest*, honoring firefighters of the past, present and future. He spoke to the significance of the sculpture and thanked Council for their past support of this publicly and privately funded project.

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Laura Jackson, residing at 2016 West Court Street, stated she represented residents and businesses in the Ardmore Park neighborhood and expressed concerns regarding the negative impact on the surrounding community associated with a recent annual Coliseum concert. She stated she had provided a letter to Council earlier that detailed problems with traffic and civil disorder that occurred in the community following the Super Jam concert and spoke to past attempts to get police to enforce the noise ordinance.

Interim City Manager Johnson stated that he had contacted Coliseum staff following receipt of Ms. Jackson's letter. He clarified that the concern was about the level of impact on the local community, not the concert itself and advised that City staff would take additional precautions to manage this impact in future years.

Deborah Harrow, residing at 2618 West Court Street, requested Council to ban this particular event in the future. She described in detail civil disorder and disruption of peace observed in her neighborhood from 10:00 pm till 6:00 a.m. beginning on the night of the event.

Councilmember Carmany discussed similar problems that had occurred surrounding other past Coliseum events, noted that the War Memorial Coliseum Commission had reported no problems had occurred at the actual event and emphasized that problems had been caused by people taking advantage of a party atmosphere after the event.

During discussion of other past Coliseum events associated with negative impacts on the surrounding neighborhoods, Interim Manager Johnson noted that in response to civil disorder following events, the City had increased its response accordingly. He stated that to his knowledge, specific events had not been banned based on the conduct of individuals in the surrounding community following the event.

Several members of Council offered personal opinions and suggestions with respect to analysis of this past event and management of future events.

Following additional discussion, the Interim City Manager confirmed that he would report back on costs associated with the management of civil order and impact on the surrounding community during this recent event and a cost proposal for the coming year. He stated efforts would be increased in the future.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Jordan Road from Summit Avenue Northwestward to the railroad right of way a distance of approximately 1,257 feet.

After the Mayor asked if anyone present wished to speak to this matter and no one present indicated they wished to be heard, Councilmember Gatten moved adoption of the resolution; the motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Vaughan. Noes: None.

181-05 RESOLUTION CLOSING JORDAN ROAD FROM SUMMIT AVENUE NORTHWESTWARD TO THE RAILROAD RIGHT OF WAY A DISTANCE OF APPROXIMATELY 1,257 FEET

WHEREAS, the owners of all of the property abutting both sides of Jordan Road have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, August 16, 2005, at 5:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.
2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
3. That the following portion of street is hereby permanently closed and abandoned as a public street:

JORDAN ROAD FROM SUMMIT AVENUE NORTHWESTWARD TO THE RAILROAD RIGHT-OF-WAY, A DISTANCE OF APPROXIMATELY 1,257 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Florence Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Delvia Lane from Springmont Drive southward to its terminus, a distance of approximately 100 feet.

The Mayor asked if anyone present wished to be heard. After no one present indicated they wished to speak to this matter, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Vaughan. Noes: None.

182-05 RESOLUTION CLOSING DELVIA LANE FROM SPRINGMONT DRIVE SOUTHWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 100 FEET

WHEREAS, the owner of all of the property abutting both sides of Delvia Lane has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, August 16, 2005, at 5:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

DELVIA LANE FROM SPRINGMONT DRIVE SOUTHWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 100 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Florence Gatten

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The Mayor introduced a resolution authorizing Economic Development Incentive Grant for EPES Logistics Services, Inc., for new jobs and new investment for facilities and equipment not to exceed the amount of \$100,000.

Mayor Holliday advised that the City had received a letter from the Greensboro Economic Development Partnership requesting that this matter be continued to an undesignated date.

Councilmember Johnson moved that this matter be continued to an undesignated date. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Perkins noted that the Council's top priority was job creation and expressed his hope that the company would continue to consider expansion in Greensboro.

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Moving to the Consent Agenda, Councilmember Bellamy-Small requested that agenda items #11, #13 and #14 be removed from the consent agenda.

Councilmember Vaughan thereupon moved adoption of the Consent Agenda as amended. The motion was seconded by Councilmember Bellamy-Small; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Vaughan. Noes: None.

05-173 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE 2005/2006 HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM PROGRAM

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4067-01.5239	Miscellaneous	\$18,000
220-4067-01.5428	Contracted Medical	\$15,000
220-4067-01.5520	Seminar/Training	\$19,000
220-4067-01.4730	Worker's Compensation	<u>\$ 5,000</u>
TOTAL		\$57,000

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4067-01.7110	State Grant	<u>\$57,000</u>
TOTAL:		\$57,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Donald R. Vaughan

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183-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-008 WITH UTILITY SERVICE COMPANY, INC. FOR THE LEES CHAPEL ELEVATED WATER TANK REHABILITATION PROJECT

WHEREAS, after due notice, bids have been received for the Lees Chapel Road elevated water tank project;

WHEREAS, Utility Service Company, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$599,050.00 as general contractor for Contract No. 2005-008, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Utility Service Company, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$599,050.00 from Account No. 511-7024-02-6017 Activity Number 04163.

(Signed) Donald R. Vaughan

(A copy of the tabulation of bids for the Lees Chapel Road elevated water tank project is filed with the above resolution and is hereby referred to and made a part of the minutes.)

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184-05 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 6, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 1717 GUILFORD COLLEGE ROAD - 8.654 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of August, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 1717 GUILFORD COLLEGE ROAD – 8.654 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the new eastern right-of-way line of Guilford College Road, said point being S 87° 10' 56" E 22.03 feet from the northwest corner of Lot 13 of G. G. Merritt Estate, as recorded in Plat Book 17, Page 5 in the Office of the Guilford County Register of Deeds; thence S 87° 10' 56" E 284.31 feet along the northern line of Lot 13 of said subdivision to the southwest corner of Robert D. and Jeanne K. Spillers, as recorded in Deed Book 4022, Page 525 in the Office of the Register of Deeds; thence S 87° 10' 56" E 290.05 feet along the northern line of said Lot 13 to the southeast corner of Spillers; thence S 87° 10' 56" E 399.73 feet along the northern line of said Lot 13 to the southeast corner of John H. and Creola P. Stiles, as recorded in Deed Book 2235, Page 625 in the Office of the Register of Deeds; thence S 87° 10' 56" E 290.20 feet along the northern line of said Lot 13 to the southeast corner of Donna K. and Michael J. McLaughlin, as recorded in Deed Book 4439, Page 931 in the Office of the Register of Deeds; thence S 87° 10' 56" E 608.51 feet along the

northern line of said Lot 13 to the northeast corner of said Lot 13; thence S 03° 23' 36" W 200.11 feet along the eastern lines of said Lot 13 and Lot 14 of said subdivision to the southeast corner of said Lot 14; thence N 87° 10' 26" W 1,897.50 feet along the southern line of said Lot 14 to a point in the new eastern right-of-way line of Guilford College Road; thence N 10° 25' 52" E approximately 201.61 feet along said eastern right-of-way line to the point and place of BEGINNING, and containing 8.654 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, September 6, 2005 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 27, 2005.

(Signed) Donald R. Vaughan

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A motion to make a part of the minutes report of budget adjustments covering July 1-31, 2005 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit #1 and is hereby referred to and made a part of the minutes).

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A motion to approve minutes of regular meetings of July 19 and August 1, and special meetings of August 1 and 11, 2005 was unanimously adopted.

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Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Ronnie L. Fulk and Sandra L. Fulk in connection with the Sixteenth Street Bridge Replacement Project, which had been removed from the Consent Agenda.

After Councilmember Bellamy-Small questioned the communication process that had transpired, the City Attorney spoke briefly to her knowledge of communications between the City, the Fulk's attorney and the Fults. Councilmember Gatten thereupon moved adoption of the resolution. The motion was seconded by Councilmember

Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, and Vaughan. Noes: None.

185-05 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF RONNIE L. FULK AND SANDRA B. FULK, IN CONNECTION WITH THE SIXTEENTH BRIDGE REPLACEMENT PROJECT

WHEREAS, Ronnie L. Fulk and Sandra B. Fulk are the owners of certain property located on Sixteenth Street, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Sixteenth Bridge Replacement Project;

WHEREAS, negotiations with the owners at the appraised value of \$2,350.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$2,350.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$2,350.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 220-6051-01.6012 Activity # 01020.

(Signed) Florence Gatten

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Mayor Holliday introduced an ordinance amending in the amount of \$1000 State, Federal and Other Grants Fund Budget for Parks and Recreation Youth Football Program. After Councilmember Bellamy –Small questioned who, specifically, would receive these funds, Mark Bush, employee with the Parks and Recreation Department, stated he did not have that information on hand, but would attempt to provide it to Council prior to closure of the meeting. The Mayor stated this matter would be considered later in the meeting if possible or would be delayed until the information could be obtained.

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The Mayor introduced a resolution listing loans and grants for City Council approval, which had been removed from the Consent Agenda. In response to Councilmember Bellamy-Small's inquiry on the status of Project Homestead program repairs, Assistant City Manager Ben Brown reported that approximately two thirds of the work had been completed and that the impacted families were reasonably satisfied with the results. He stated a report would be provided to Council upon completion.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Vaughan. Noes: None.

186-05 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1st meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in

excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Claudette Burroughs-White

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The Mayor introduced an ordinance amending Chapter 8 of the Greensboro Code of Ordinances with respect to Cemeteries; he stated this matter was continued from the August 1, 2005 meeting of Council.

Mr. Bush stated the fees proposed by the ordinance were to ensure proper placement of markers on graves and noted that currently monument company workers installed markers without previous knowledge of Parks and Recreation staff. He noted that monument company workers would be accompanied by a City staff person to ensure correct location and that adjacent markers were not damaged in the process.

Cathy Davis, Cemetery Superintendent in the Parks and Recreation Department, briefly explained the basis for the proposed fee and stated it was consistent with practices at similar facilities.

Debbie Weaver, representative of Everlasting Monument Company, spoke to the potential financial burden of the fee on some families.

Additional discussion followed with respect to public and private fees and the relationship of marker fees to multiple markers in group plots.

Brian Mitchell, Managing Director of Mitchell Monument Company, stated reasons why he supported the proposed fee and reported that Ms. Davis had requested his input about the potential fee prior to the proposal of this ordinance.

Following brief additional discussion, Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, and Vaughan. Noes: None.

186-05 AN ORDINANCE AMENDING CHAPTER 8 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO CEMETERIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That Section 8-4. Fee for cemetery services rendered of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 8-4. Fee for cemetery services rendered.

- (a) The fee for digging an adult grave in any of the city cemeteries when funeral services are scheduled between the hours of 8:00 a.m. and 3:00 p.m. on Monday through Friday is hereby fixed at eight hundred dollars (\$800.00) per grave; the fee for digging a child's grave up to four (4) feet is hereby fixed at four hundred fifty dollars (\$450.00) per grave. The fee for digging a grave for interring urns of ashes is hereby fixed at four hundred dollars (\$400.00).
- (b) The fee for digging a grave in any of the city cemeteries when funeral services are scheduled on Saturday hereof is fixed at nine hundred fifty dollars (\$950.00) per grave for adults and five hundred fifty dollars (\$550.00)

for each child's grave. The fee for digging a grave for interring urns of ashes on city holidays, Saturdays, Sundays, or times other than set forth in subsection (a) hereof is fixed at five hundred dollars (\$500.00) per grave.

(c) The fee for digging a grave in any of the city cemeteries when funeral services are scheduled on a city holiday, Sunday or any other time not set forth in subsections (a) or (b) hereof is fixed at one thousand fifty dollars (\$1050.00) per grave for adults and five hundred fifty dollars (\$550.00) for each child's grave. The fee for digging a grave for interring urns of ashes on city holidays, Saturdays, Sundays, or times other than set forth in subsection (a) hereof is fixed at ~~four hundred fifty dollars (\$450.00)~~ five hundred dollars (\$500.00) per grave.

(d) The fee for exhuming bodies in any city cemetery shall be ~~the same as the fee charged for digging a grave as set out in subsections (a) and (b) above, plus an additional~~ two thousand dollars (\$2000.00) per grave space.

(e) The fee for the installation of a grave marker or monument is fixed at ~~one hundred fifty dollars (\$150.00)~~, seventy five dollars (\$75.00) provided such marker or monument conforms to the dimensional requirements set forth in Section 8-6 of this Chapter.

(f) No fee shall be charged for scattering urns of ashes or for services rendered relative to interring caskets or urns in mausoleum vaults.

(g) All fees incident to applications and requests from funeral homes for granting grave spaces, opening graves, or other service shall be payable no later than the fifteenth day of the month following the date of such applications and requests.

Section 2: That this ordinance shall become effective upon adoption.

Section 3: That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Florence Gatten

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After the Mayor introduced a resolution approving the proposed Greensboro Collector Street Plan, Jim Westmoreland, Director of the Department of Transportation, requested Council to continue this matter to the September 6, 2005 Council meeting to allow for additional modifications to the proposed map.

Councilmember Johnson moved that this matter be continued to September 6, 2005. The motion was seconded by Councilmember Bellamy-Small and unanimously adopted by voice vote of Council.

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Mayor Holliday introduced a resolution expressing opposition to the sale of drug-flavored candy in Greensboro. He read the resolution into the record and noted that on behalf of Council, he had sent letters to vendors expressing this opposition.

After Councilmember Johnson commended members of the youth group who had brought this matter to Council's attention, Councilmember Bellamy-Small expressed her interest in providing additional leadership development opportunities for youths. Councilmember Perkins provided an update on the status of drug-flavored candy in stores in Greensboro. The City Attorney advised that Council had taken the maximum possible action to address this issue.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan. The resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

187-05 RESOLUTION EXPRESSING OPPOSITION TO THE SALE OF DRUG FLAVORED CANDY IN GREENSBORO

WHEREAS, at this Council's last public meeting it was brought to our attention by members of the Youth First Teen Advisory Board, an organization of local community involved youth, that various marijuana flavored products are being sold at retail stores in the Greensboro area;

WHEREAS, Council agrees with the concerned youth, that the sales of any product to our youth which is flavored, or designed to appear, as a controlled substance of any nature is highly undesirable and should not be condoned in our community;

WHEREAS, we feel that the sale of such 'taste alike or look alike' products indicate society's approval of such use and entice our youth to desire, seek, or experiment with the actual controlled substance, and;

WHEREAS, the Council wishes to express its strongest objection to the sale of such drug flavored, or look alike, products;

THEREFORE BE IT RESOLVED that this Council hereby condemns and seeks to discourage in every way possible the sale of all products flavored, or appearing, as any illegal drug or controlled substance to our youth and directs City Staff to immediately write the Presidents of stores and malls where they are known to be sold expressing our objection to their sale. Further, that such letter include copies of this Resolution and the handout presented to this Council by the Youth First Teen Advisory Board.

(Signed) Yvonne Johnson

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Mayor Holliday introduced the following resolution which was read by title and summarized by the City Attorney:

RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT TO, AND DIRECTING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF, THE ISSUANCE AND PRIVATE SALE OF CITY OF GREENSBORO, NORTH CAROLINA SPECIAL OBLIGATION BONDS, SERIES 2005 AND REQUESTING THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING TEAM IN CONNECTION THEREWITH

WHEREAS, the City of Greensboro, North Carolina (the "City"), acting by and through its City Council, is authorized by Chapter 159I of the North Carolina General Statutes, as amended (the "Act"), to issue special obligation bonds for the purpose of financing the cost of acquisition, construction, reconstruction, enlargement, equipping, expansion, extension, installation or renovation of solid waste management projects and to refund special obligation bonds issued for such purposes; and

WHEREAS, the City owns and operates solid waste disposal facilities; and

WHEREAS, the City proposes to issue its Special Obligation Bonds, Series 2005 (the "Series 2005 Bonds") in an aggregate principal amount not exceeding \$20,000,000, for the purpose of providing funds, together with other available funds, to (i) refund all of the City's Special Obligation Bonds, Series 1997 that are stated to mature on June 1 in the years 2008 to 2013, inclusive (the "Bonds to be Refunded"), (ii) pay the cost of constructing and equipping a solid waste transfer station and related infrastructure (collectively, the "2005 Project"), (iii) pay a portion of the interest on the Series 2005 Bonds during the period of construction of the 2005 Project and (iv) pay certain costs incurred in connection with the issuance of the Series 2005 Bonds; and

WHEREAS, the City wishes to obtain the approval by the Local Government Commission of North Carolina (the "LGC") of the financing team to be used in connection with the issuance and sale of the Series 2005 Bonds;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA DOES HEREBY DETERMINE AND RESOLVE, as follows:

Section 1. The City Council hereby finds and determines in connection with the issuance of the Series 2005 Bonds that (i) the issuance of the Series 2005 Bonds is necessary or expedient for the City, (ii) the proposed

principal amount of the Series 2005 Bonds is adequate and not excessive for the proposed purposes of such issue, (iii) the 2005 Project is feasible, (iv) the City's debt management procedures and policies are good and the City's finances are managed in strict compliance with law and (v) under current economic conditions, the Series 2005 Bonds can be marketed at a reasonable interest cost to the City.

Section 2. The City Council hereby authorizes the filing of an application with the LGC for approval of the issuance of the Series 2005 Bonds pursuant to N.C.G.S. §159I-30 and hereby directs Richard L. Lusk, Finance Director of the City, as the representative of the City to file such application with the LGC; provided, however, that the City will proceed with the refunding only in the event the net present value debt service savings are not less than 2.5%.

Section 3. The LGC is hereby requested to sell the Series 2005 Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such price as the LGC determines to be in the best interest of the City, subject to the approval of the City.

Section 4. The City Council hereby recommends the following financing team members be engaged in connection with the issuance and sale of the Series 2005 Bonds and requests the approval of the LGC thereof:

Co-Bond Counsel	Sidley Austin Brown & Wood LLP The Steve Allen Law Firm
Underwriter	Banc of America Securities LLC
Underwriter's Counsel	Womble Carlyle Sandridge & Rice, PLLC
Trustee and Bond Registrar	First-Citizens Bank & Trust Company
Verification Agent	Grant Thornton LLP

Section 5. This resolution shall take effect immediately upon its passage.

The City Attorney then announced that she had approved as to form the foregoing resolution.

After consideration of the foregoing resolution, Councilmember Burroughs-White moved the passage thereof, which motion was duly seconded by Councilmember Carmany, and the foregoing resolution was passed by roll call vote, as follows:

Ayes: Councilmembers Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Vaughan. Noes: None.

The Mayor then announced that the foregoing resolution had been passed by a vote of 8 to 0.

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Mayor Holliday introduced a motion to adopt the 2006 City Council Meeting Schedule.

After Councilmember Gatten discussed the proximity of the first Tuesday in January to the New Year's Eve holiday, she moved that the schedule be amended to reschedule the first meeting in January 2006 from January 3 to January 10, 2006. The motion was seconded by Councilmember Johnson; no action was taken.

During Council discussion of local events they might wish to consider prior to the adoption of the 2006 schedule, the City Attorney cautioned that an equitable basis for such decisions would be difficult to establish. Following additional discussion, the City Attorney advised that Council could delay adoption of the schedule to the first meeting in December of 2005.

Councilmember Bellamy-Small moved that this matter be continued to the December 6, 2005 Council meeting. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of

Council.

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Mayor Holliday introduced an ordinance amending in the amount of \$15,000 the State, Federal and Other Grants Budget for E-Waste Recycling at the Permanent Household Hazardous Waste (HHW) Program conducted by Environmental Services.

Jeryl Covington, Environmental Services Director, introduced Patrick Harmon and his wife, residents of Greensboro and Directors of the Hayden-Harmon Foundation in Burlington. Dr. Harmon spoke briefly to the work of the foundation and expressed enthusiasm for the Foundation's role as a funding partner in the E-Waste Recycling Program. Ms. Covington noted that Guilford County and the University of North Carolina at Greensboro also served as funding partners. She spoke briefly to the final disposal destination of E-Waste products, stated all households were invited to participate in the program, and provided details with respect to the location of the facility and the types of waste recycled there.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Perkins and Vaughan. Noes: None.

05-177 ORDINANCE AMENDING THE STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR E-WASTE RECYCLING AT THE PERMANENT HHW PROGRAM CONDUCTED BY ENVIRONMENTAL SERVICES

Section 1:

BE IT ORDAINED BY THE CITY OF GREENSBORO:

That the FY 05-06 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-6556-01.5429	Other Contracted Services	<u>15,000</u>
Total		\$15,000

And, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-6556-01.8620	Private Donation	<u>\$15,000</u>
Total		\$15,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Florence Gatten

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After Interim City Manager Johnson requested Council to consider an addendum item, the Mayor introduced an ordinance amending Chapter 26 of the Greensboro Code of Ordinances with respect to street shows, exhibitions, etc. The Interim Manager stated that the ordinance provided the City Manager with the authority to extend ending times on events beyond 11:00 p.m.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember

Carmany; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

05-178 AMENDING CHAPTER 26

AN ORDINANCE AMENDING CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREET SHOWS, EXHIBITIONS, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 26, Article VII, of the Greensboro Code of Ordinances is hereby amended by adding thereto Sec. 26-198 as follows:

“Sec. 26-198. Times allowed.

‘No person may conduct or otherwise participate in an exhibition show except between 7:00 a.m. and 11:00 p.m.:

‘(1) Provided however, that set-up and/or break-down activities may occur outside these hours subject to the restrictions concerning unnecessary loud, and disturbing noises as set forth in section 18-41.

‘(2) Provided further that the City Manager may extend the times allowed by this Section pursuant to the following criteria:

- (a) The proximity of the show to residential structures;
- (b) The nature of the use and zoning of the area;
- (c) Nature of any noise or traffic to be produced;
- (d) The need of City streets or property for other uses;
- (e) Availability or fire and police protection;
- (f) Availability of sanitation and clean-up for the extended hours;
- (g) Other activities or events in the vicinity.

‘(3) The extension of hours may be upon such reasonable terms and conditions as determined by the Manager.”

Section 2. This Ordinance shall become effective upon adoption.

(Signed) Florence Gatten

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After Mr. Bush presented information he had obtained with respect to grant recipients for the ordinance amending in the amount of \$1000 State, Federal and Other Grants Fund Budget for Parks and Recreation Youth Football Program, removed from the Consent Agenda earlier in the meeting, Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Vaughan. Noes: None.

05-176 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS AND RECREATION YOUTH FOOTBALL PROGRAM

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5099-01.5237	Program Supplies	\$ <u>1,000</u>
Total		\$ 1,000

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5099-01.8620	Donations and Private Contributions	<u>1,000</u>
Total		\$ 1,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sandy Carmany

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Council discussed various recent and future community events.

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After Councilmember Johnson suggested Council request the Interim Manager to place Beth McGee Huger on the next Council agenda to provide a housing update to Council, It appeared to be the consensus of Council to make this request.

Councilmember Johnson added the name of James Jones to the boards and commissions data bank for consideration for future service on the Bryan Park Commission.

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Councilmember Vaughan added the name of Leonard Steven Larsen to the boards and commissions data bank for consideration for future service.

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Councilmember Bellamy-Small provided an update on the upcoming Women in Law Enforcement Awards Banquet and requested the public to nominate candidates for the award.

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Councilmember Gatten moved that Mari Pinto Del Rosario be appointed to serve a term on the Commission on the Status of Women; this term will expire 15 August 2008. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that Randy Cobb be appointed to serve a term on the Parks and Recreation Commission in the position formerly held by Mike Bumpass. The motion was seconded by Councilmember Johnson. After the Mayor advised that Mr. Cobb had recently moved outside the City limits, Councilmember Gatten withdrew the motion.

Councilmember Gatten moved that James Wells be appointed to serve a term on the Human Relations Commission in the position formerly held by Bennett Judkins; this term will expire 15 August 2008. The motion

was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that Ivan Canada be appointed to serve a term on the Library Board in the position formerly held by Doris Melson. After Councilmember Carmany stated that she had originally appointed Ms. Melson from District 5 and advised she had a new District 5 candidate to consider for Ms. Melson's replacement, Councilmember Gatten withdrew the motion.

Councilmember Gatten moved that Harmohindar Singh be reappointed to serve an additional term on the Human Relations Commission; this term will expire 15 August 2008. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that Beth Mayer be appointed to serve a term on the Library Board. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council, however; after the meeting the City Clerk determined that according to Council's policy, Ms. Mayer was not eligible to serve another term on the Board.

Councilmember Gatten moved that Steve Marks be reappointed to serve an additional term on the Planning Board; this term will expire 15 August 2008. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that William Harrison Turner, III be reappointed to serve an additional term on the War Memorial Commission; this term will expire 15 August 2008. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that Tony Collins be reappointed to serve an additional term on the Zoning Commission; this term will expire 15 August 2008. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Gatten discussed her intent to present Mike Bumpass to Council at the next meeting for consideration for service on the War Memorial Commission to replace the current District 4 representative upon expiration of that term. After several members of Council expressed disagreement with this proposal, the Mayor suggested confirming the district from which to make the appointment prior to taking action.

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Councilmember Carmany moved that Myrtle Solomon be appointed to serve a term on the Library Board to fill the position formerly held by Doris Melson; this term will expire 15 August 2008. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Carmany moved that Mildred Summers be reappointed to serve an additional term on the Commission on the Status of Women; this term will expire 15 August 2008. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Carmany moved that Robert Faison be reappointed to serve an additional term on the Community Resource Board; this term will expire 15 August 2008. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Carmany moved that Scottie King be reappointed to serve an additional term on the Library Board; this term will expire 15 August 2008. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

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At the request of Councilmember Perkins, it appeared to be the consensus of Council to request Interim Manager Johnson to explore possibilities and bring to Council a plan and potential funding sources for expansion of land adjacent to the football field at the Lewis Recreation Center. He suggested using a combination of Storm

Water and Parks and Recreation funds to upgrade the drainage of the proposed adjacent field.

Councilmember Perkins moved that Andy Courts be appointed to serve a term on the Minimum Housing Standards Commission in the position formerly held by William R. Fuller; this term will expire 15 August 2008. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

Councilmember Perkins added the names of Gail Barger and Marsh Prause to the boards and commissions data bank for consideration for future service on the Bicentennial Commission.

Councilmember Perkins requested Council to review their annual package on Council compensation. He stated that Council salaries had not been increased since 1989, advised that a compensation comparison provided by staff reflected Council pay averages state wide, and spoke to details of the comparison information on which the salary amounts he recommended was based. Councilmember Perkins offered his personal opinion that in future years, increases in Council pay should be tied to an index and noted that his recommendation for the amount of increase was based on a 1% per year increase over 18 years. Speaking to Council's vehicle allowance, also established in 1989, Councilmember Perkins recommended an increases in vehicle allowance from \$60 to \$150 per month be considered to reflect current mileage reimbursement cost standards.

Following Council discussion of the proposal, Councilmember Perkins noted that changes in compensation approved by Council at this time would be reviewed again in the 2006-07 annual budget process prior to becoming effective on 1 July 2006.

Councilmember Perkins thereupon moved that Council vehicle allowance be increased to \$150 per month and annual salaries be increased by the number he proposed in the information provided to Council by the Interim Manager with the stipulation that Council's salary would increase annually by up to 50% of the salary increase amount recommended for staff. Councilmember Johnson requested that the motion include that Council's salary increase not exceed an amount equaling 1.5 % of their salary, to which Councilmembers Perkins and Burroughs-White agreed. The revised motion was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, and Perkins. Noes: Vaughan.

(A copy of the information on Council salary comparisons provided to Council is filed in Exhibit Drawer P, Exhibit Number 13 and is hereby referred to and made a part of the minutes. (New salaries to take effect July 1, 2006 as specified in this comparison : Mayor: \$14,804, Mayor Pro-Tem: \$12,435 and Councilmembers: \$11,250.)

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Councilmember Burroughs-White moved that Dorothy Burnett be appointed to serve a term on the Firemen's Relief Fund Board in the position formerly held by Eric Crouch; this term will expire 1 January 2007. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Burroughs-White added the names of Kerry Graves and Hal Seiber to the boards and commissions data bank for consideration for service on the Bicentennial Commission.

Councilmember Burroughs-White moved that Cynthia Hatfield be reappointed to serve an additional term on the Historic Preservation Commission; this term will expire 15 August 2008. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Burroughs-White moved that David Hoggard be reappointed to serve an additional term on the Parks and Recreation Commission; this term will expire 15 August 2008. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Burroughs-White moved that Paul Gilmer be reappointed to serve an additional term on the Zoning Commission; this term will expire 15 August 2008. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Burroughs-White distributed information to Council from the August 2005 issue of the

magazine, Golf Digest, in which she stated, Greensboro was ranked first for golf.

After reminding Council that Triad Stage had recently requested funding from Council for a \$190,000 deficit, she advised that the theater company had subsequently raised a significant portion of those funds from the State and private sources and suggested Council consider funding the remaining \$35,000 for capital improvements and requested that Interim Manager Johnson to look for options to present to Council. Councilmember Carmany requested a summary of previous City contributions to Triad Stage; the Mayor requested information on the City's funding of City Arts Theater programs.

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Jim Westmoreland, Transportation Department Director, provided a brief presentation on the Department's new "Dump the Pump" campaign, encouraging citizens to use mass transportation services to reduce gas costs and pollution.

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Mayor Holliday expressed appreciation to the Engineering and Inspections Department for their handling of street surfacing services this year which had, to his knowledge, eliminated citizen complaints.

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Interim City Manager Johnson provided a brief update on the agenda planned for the upcoming briefing.

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Councilmember Vaughan moved that Council call a special meeting for 12:00 noon on 29 August 2005 in the Council Chambers for the purpose of adjourning to closed session to discuss a personnel matter. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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The Mayor declared that the meeting was adjourned.

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The meeting was adjourned at 7:56 p.m.

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Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor
